



SOUTH DAKOTA REGISTER

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FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Petition for Rules

The **Department of Game, Fish and Parks** on January 8, 2024, served on the Interim Rules Review Committee and interim director of the Legislative Research Council two petitions received from interested persons, per [SDCL 1-26-13](#), to adopt an administrative rule within [ARSD chapter 41:06:01](#) to give one any elk tag, through a drawing, to a hunter who is over the age of 65 and has one hundred years of elk preference in different seasons; and to adopt an administrative rule within [ARSD chapter 41:06:07](#) to allow landowner own land licenses to be valid from September first through January first, in a manner similar to free antlerless licenses. The [Game, Fish and Parks Commission](#) reviewed the petitions at its January 11, 2024, meeting.

Notice

The **Department of Social Services** intends to amend the South Dakota Medicaid State Plan. For purposes of alignment between the Alternative Health Plan and currently pending Medicaid and CHIP State Plan amendments 23-0019 and 23-0020, the proposed state plan amendment (SPA) implements coverage of vaccines and their administration for adults without cost sharing in accordance with recommendations of Advisory Committee on Immunization Practices (ACIP) as required by section 11405 of the Inflation Reduction Act (IRA). Currently, Medicaid covers vaccines for adults. Most claims for these services are currently exempt from cost share. The SPA amends pages 19, 20, 30, and 44 of the Essential Health Benefit: Preventative and Wellness Services and Chronic Disease Management of the Alternative Health Plan.

The department intends to make this SPA effective October 1, 2023. The department's estimate for the fiscal impact is included in the existing projection for the Adult Vaccine Coverage Medicaid State Plan SPA 23-0019, as provided in the September 25, 2023, Public Notice, which is \$701 in state funds and \$1,050 in federal funds, totaling \$1,751 in Federal Fiscal Year 2024, and \$701 in state funds and \$1,050 in federal funds, totaling \$1,751 in Federal Fiscal Year 2025. The fiscal impact is due to removal of cost sharing from the small number of claims to which it is currently applied.

The SPA is available to view on the department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Copies of the proposed SPA pages are also available at the Department of Social Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments, may be emailed to MedicaidSPA@state.sd.us or sent to the Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291. The public comment period will start January 16, 2024, and end February 15, 2024.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Executive Orders

Governor Noem has signed [Executive Order 2024-01](#) merging the Bureau of Human Resources and the Bureau of Administration to form a new Bureau of Human Resources and Administration, citing authority provided in Article IV,

Section 8 of the South Dakota Constitution. The Order, dated January 9, 2024 and becoming effective ninety days after its submission to the South Dakota Legislature unless disapproved by a resolution adopted by a majority of legislators in either chamber, abolishes the Bureau of Human Resources and the Bureau of Administration; transfers the functions of both former departments to the Bureau of Human Resources and Administration; establishes criteria for the appointment of a commissioner of human resources and administration and defines the functions of the position; and reorganizes the division, commission, and board structures of the former departments into the new department.

Governor Noem has signed [Executive Order 2024-02](#), dated January 12, 2024, declaring a state of emergency in South Dakota for purposes of exempting delivery of residential heating fuels into or within South Dakota from the United States Department of Transportation's Motor Carrier Safety Regulations (49 C.F.R. Parts 390-399). The purpose of the Order, as described in the document, is to maintain supplies of residential heating fuels used for normal heating functions by exempting drivers of vehicles transporting these products from certain federal transportation requirements. It does not require nor allow fatigued drivers to operate transport vehicles and does not exempt drivers from other requirements concerning the use of controlled substances or alcohol, maintaining a commercial driver's license and financial responsibility, and meeting applicable size and weight requirements, among other requirements. The Order will expire upon conclusion of the emergency but not later than February 11, 2024.

SCHEDULED PUBLIC HEARINGS

1-22-2024	South Dakota Board of Education Standards (Department of Education) : Amend rules to make student learning objectives optional; revise outdated timelines; and clarify and update language; 50 SDR 72, December 11, 2023.
2-7-2024	South Dakota Public Utilities Commission : Repeal a rule for which the law implemented has been repealed, and amend rules to remove citations to statutes that have been repealed; change the fiscal requirements for grain buyer licensees; remove certain master meter notice and filing requirements; amend a deadline for annual telecommunications filings; update references to federal regulations for pipeline safety; and update documentation required of transmission pipeline operators; 50 SDR 75, December 27, 2023.
2-9-2024	South Dakota State Board of Dentistry (Department of Health) : Adopt rules to address maintenance, timelines, transfer, and destruction of records maintained by dentists and dental entities; 50 SDR 81, January 8, 2024.

RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee has completed its meeting schedule for the 2023 Interim. Find information regarding committee meetings in this publication, on the [LRC website](#), and at the Capitol.

The Drafting Manual for Administrative Rules in South Dakota is available on the [Administrative Rules Manual page](#) of the LRC website and is updated regularly to reflect changes in drafting styles and procedures.